

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SHERMAN CARTER

Plaintiff,

V.

COMMISSIONER STANLEY TAYLOR,
et al.,

Defendants.

C.A. No. 99-757-JJF

TRIAL BY JURY DEMANDED

AFFIDAVIT

STATE OF DELAWARE

$$\begin{pmatrix} & SS \\ & \end{pmatrix}$$

COUNTY OF KENT

BE IT REMEMBERED that on this 18th day of February, 2005,
personably appeared before me, the Subscriber, a Notary Public for the State and County
aforesaid, JOHN OLDIGS, personably known to me to be such and who, after being duly
sworn by me according to law, did state and say the following:

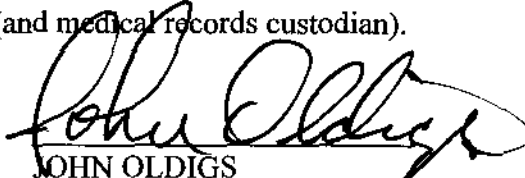
1. I am employed by the Delaware Department of Correction. My official title is Support Services Administrator for Management Services and in that capacity, I am involved, inter alia, with records management and archiving of same.

2. Pursuant to an e-mail request received from Deputy Attorney General Stuart B. Drowos, I initiated a search for the substance abuse and medical files for a former inmate known as Sherman Carter (SBI #00102896). Said records (primarily substance abuse materials) were believed to be archived, in part, at the Gander Hill Correctional Facility. The primary medical file, given the long-passed release date of the individual in question, was believed to still be retained by the medical unit at DCC, the

institution from which Mr. Carter was released in 1999. These records are not in the custody or control of DOC but are in the sole custody and care of the medical provider/vendor with whom the State maintains a contractual relationship.

3. Under existing Federal law, the records would normally not be released without prior written authorization by Mr. Carter or, in lieu thereof, by an Order of any Court of competent jurisdiction.

4. Despite due diligence and effort, the requested records have not been located or provided by the medical care provider (and medical records custodian).


JOHN OLDIGS

SWORN TO AND SUBSRIBED before me the day and year aforesaid.


NOTARY PUBLIC

My Commission Expires: _____

**My Commission Expires
August 18, 2005**